

# H.B. NO. 3118

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## A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII  
RELATING TO PUBLIC EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to propose

2 amendments to the state constitution to:

3           (1) Allow a political subdivision's legislative body to  
4           establish an irrevocable local school district; and

5           (2) Establish and empower local school boards of education  
6           to implement the statewide educational policies and to  
7           formulate and implement local school district  
8           objectives.

9           SECTION 2. Article X of the Constitution of the State of  
10 Hawaii is amended by adding two new sections to be designated  
11 and to read as follows:

12   **LOCAL SCHOOL DISTRICTS**

13           Section . Provided that two-thirds of the members of a  
14 political subdivision's legislative body vote affirmatively to  
15 establish a irrevocable local school district, such a district  
16 shall be responsible for the delivery of primary and secondary  
17 public education in that political subdivision. Following

1 action by a political subdivision's legislative body to  
2 establish a local school district, the legislature shall be  
3 responsible in the following year to establish fair and  
4 equitable funding and the division of resources to carry out the  
5 decision of the political subdivision's legislative body.

6 **Section .** Each local school district shall be governed by  
7 a seven-member board elected by the voters of the district for  
8 staggered terms. The election of members shall take place in  
9 the next statewide election following the vote of the local  
10 subdivision's legislative body. Each local school board shall  
11 have the power, as provided by law, to formulate policy and to  
12 exercise control over the local school district public school  
13 system through its executive officer, the local school district  
14 superintendent, who shall be appointed by the local school  
15 board; except that the local school board shall have  
16 jurisdiction over the internal organization and management of  
17 the local school district public school system, as provided by  
18 law, and shall exercise its jurisdiction in a manner consistent  
19 with general laws."

20 SECTION 3. Article XVIII of the Constitution of the State  
21 of Hawaii is amended by adding a new section to be appropriately  
22 designated and to read as follows:

1 "EFFECTIVE DATE FOR SUPERINTENDENT OF EDUCATION AND ELECTED

2 LOCAL SCHOOL BOARDS OF EDUCATION

3 Section . The amendments to Article X Sections 2 and 3  
4 shall take effect following ratification and upon the day the  
5 elected local school boards of education begin functioning as  
6 provided by law."

7 SECTION 4. Article XVI, section 4, of the Constitution of  
8 the State of Hawaii is amended to read as follows:

9 "OATH OF OFFICE

10 **Section 4.** All eligible public officers, before entering  
11 upon the duties of their respective offices, shall take and  
12 subscribe to the following oath or affirmation: "I do solemnly  
13 swear (or affirm) that I will support and defend the  
14 Constitution of the United States, and the Constitution of the  
15 State of Hawaii, and that I will faithfully discharge my duties  
16 as ..... to the best of my ability." As used in this  
17 section, "eligible public officers" means the governor, the  
18 lieutenant governor, the members of both houses of the  
19 legislature, the members of the State board of education, the  
20 members of local school boards of education, the members of the  
21 national guard, State or county employees who possess police

1 powers, district court judges, and all those whose appointment  
2 requires the consent of the senate."

3 SECTION 5. Article X, section 2, of the Constitution of the  
4 State of Hawaii is amended to read as follows:

5 **STATE BOARD OF EDUCATION**

6 **Section 2.** There shall be a State board of education  
7 composed of members who shall be elected in a nonpartisan manner  
8 by qualified voters, as provided by law, from two at-large State  
9 school board districts. The first State school board district  
10 shall be comprised of the island of Oahu and all other islands  
11 not specifically enumerated. The second State school board  
12 district shall be comprised of the islands of Hawaii, Maui,  
13 Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large  
14 State school board district shall be divided into departmental  
15 school districts, as may be provided by law. There shall be at  
16 least one member residing in each departmental school district.  
17 The Hawaii State Student Council shall select a public high  
18 school student to serve as a nonvoting member on the board of  
19 education."

20 SECTION 6. Article X, section 3, of the Constitution of the  
21 State of Hawaii is amended to read as follows:

1    "**POWERS OF THE STATE BOARD OF EDUCATION AND LOCAL SCHOOL BOARDS**  
2    **OF EDUCATION**

3    **Section 3.** The State board of education shall have the power, as  
4 provided by law, to formulate statewide educational policy and  
5 appoint the superintendent of education as the chief executive  
6 officer of the public school system. Each local school board of  
7 education shall have the power to formulate district educational  
8 policy for its district, and implement statewide educational  
9 policy at the local level, as provided by law."

10       SECTION 7. The question to be printed on the ballot shall  
11 be as follows:

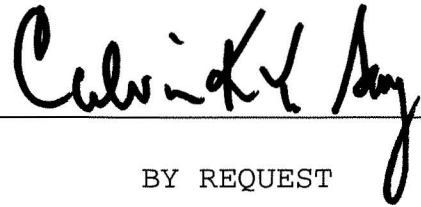
- 12       "Shall:
- 13       (1) The duly elected county councils of each political  
14           subdivision of the State of Hawaii be allowed to  
15           establish a local school district for the purpose of  
16           providing primary and secondary education in that  
17           political subdivision; and
- 18       (2) Locally elected school boards be established and  
19           empowered to govern each local school district that is  
20           established?"

21       SECTION 8. New constitutional material is underscored.

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1 SECTION 9. This amendment shall take effect upon  
2 compliance with article XVII, section 3, of the Constitution of  
3 the State of Hawaii.

4  
5 INTRODUCED BY:

  
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6 BY REQUEST

JAN 22 2008

**Report Title:**

Local School Boards

**Description:**

Allows voters in each county to decide whether or not to establish a district (local) school board; requires the legislature to establish a fair allocation of public school resources if a new district is established.

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO PUBLIC EDUCATION

PURPOSE: To allow a political subdivision's legislative body to establish an irrevocable school district and to empower the locally elected district school boards of education to implement the statewide educational policies and to formulate and implement local district objectives.

MEANS: Amend the constitution of the State of Hawaii.

JUSTIFICATION: This bill allows voters to decide whether to grant a political subdivision's legislative body the authority to create an irrevocable local school district. This provides an opportunity for greater input into public education at the local level. The proposed amendment will result in increased participation by local communities in public education, and in the decision making that affects the education of their local students. Decisions will be made by local school boards based on the needs of that community and district, rather than by a central statewide Board of Education that may not take into account the intricacies and special circumstances that define each of the counties in our State.

Impact on the public: Increased involvement in public education at a local level.

Impact on the department and other agencies: The Board of Education, Department of Education, county legislative bodies, local school districts, and local school boards will work to comply with the requirements set forth in the constitution should any



political subdivision's legislative body  
create an irrevocable school district.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: Department of Education, Board of Education,  
county legislative bodies.

EFFECTIVE DATE: Upon compliance with article XVII, section  
3, of the Constitution of the State of  
Hawaii.